

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

EMILIANO SANTIAGO,  
*Petitioner-Appellant,*

v.

DONALD H. RUMSFELD, Secretary of  
Defense; LES BROWNLIE, Secretary  
of the United States Department of  
the Army (Acting); RAYMOND  
BYRNE, Acting Adjutant General of  
the Oregon National Guard; DAVID  
DORAN, Captain, Detachment One,  
Company D, 113 Aviation Unit  
Commander,  
*Respondents-Appellees.*

No. 05-35005  
D.C. No.  
CV-04-01747-OMP  
ORDER

Appeal from the United States District Court  
for the District of Oregon  
Owen M. Panner, Senior Judge, Presiding

Argued and Submitted  
April 6, 2005—Seattle, Washington

Filed April 6, 2005

Before: William C. Canby, Jr., Richard C. Tallman, and  
Johnnie B. Rawlinson, Circuit Judges.

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**COUNSEL**

Steven Goldberg, Esq., Goldberg, Mechanic, Stuart and Gibson, LLP, Portland, Oregon, for the appellant.

H. Thomas Byron, III, Department of Justice, Washington, DC, for the appellees.

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**ORDER**

The appellant's urgent motion for injunction pending appeal, which seeks to enjoin his deployment to Afghanistan, is **DENIED**.

The judgment of the District Court is **AFFIRMED**. An opinion or opinions will follow in due course.



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